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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/899,606	07/05/2001	Chang-Hoi Koo	678-700 (P9856)	4060

7590 06/09/2005

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EXAMINER

AMINZAY, SHAIMA Q

ART UNIT	PAPER NUMBER
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2684

DATE MAILED: 06/09/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/899,606

Applicant(s)

KOO ET AL.

Examiner

Shaima Q. Aminzay

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 December 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 4-11 is/are allowed.
- 6) ☒ Claim(s) 1 is/are rejected.
- 7) ☒ Claim(s) 2 and 3 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 05 July 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Response to Amendment

1. The following office action is in response to Amendment, December 10, 2004.

Claims 1-11 are pending.

Drawings

2. Figures 1 – 3 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). Corrected drawings in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.121(d)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claim 1 is rejected under 35 U.S.C. 103(a) as being unpatentable over Khan (Khan et al., US Publication 2001/0056,560) in view of Dorenbosch (Dorenbosch et al., US Patent 5,801,639).
5. Regarding claim 1, Khan discloses a method for retransmitting data in a mobile communication system (see for example, Figure 3B, paragraph [0001], lines 1-5, [0003], lines 1-4, [0030], lines 1-15, data transmission in a mobile communication system), comprising the steps of: determining whether an initial data block received from a transmitter has an error (see for example, paragraph [0014], lines 1-18, [0037], lines 1-25, determining the error of the initial data block received); estimating a current channel state and determining a retransmission frequency according to the estimated current channel state upon detecting an error in the initial data block (see for example, paragraph [0014], lines 1-18, [0037], lines 1-25, detecting error in data block and estimating a channel state and determining retransmission frequency); transmitting a retransmission request message of the initial data block together with the determined retransmission frequency to the transmitter (see for example, paragraph [0014], lines 1-18, [0016], lines 1-19, [0036], lines 1-8, [0037], lines 1-25, transmission of retransmit message and determining retransmission frequency); receiving data blocks

retransmitted by the transmitter [as many times as the retransmission frequency] in response to the retransmission request message (see for example, paragraph [0015], lines 1-7, [0016], lines 1-19, [0037], lines 14-25, [0039], lines 1-12, the transmitter retransmits the received data block in response to retransmission request message); determining whether the retransmitted data blocks have errors (see for example, paragraphs [0014], lines 1-18, [0015], lines 1-7, [0016], lines 1-19, and [0037], lines 1-25, determining the retransmitted data block errors); and providing the received data blocks to an upper layer upon failure to detect errors from the received data blocks (see for example, paragraph [0006], lines 1-18, [0037], lines 1-25, and [0045], lines 1-18, received data blocks and error detect).

However, Khan does not specifically teach retransmitting as many times as the retransmission frequency request message.

In a related art dealing with retransmitting data in mobile communication system (see for example, column 1, lines 6-8, lines 40-48, and column 6, lines 35-46), Dorenbosch discloses retransmitting as many times as the retransmission frequency request message (see for example, column 5, lines 52 – 67, column 4, lines 50 – 62).

It would have been obvious to one of ordinary skill in the art at the time invention was made to have included Dorenbosch's retransmitting based on the retransmission frequency into Khan's measurement based automatic retransmission request system to provide an Automatic Transmission Request

mobile communication system "that can determine the level of noise interference experienced by a selective call transceiver prior to transmitting a message" (Dorenbosch, column 1, lines 40-43).

Allowable Subject Matter

6. Claims 4-11 are allowed.
7. Claims 2-3 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

Applicant's arguments filed December 10, 2004 have been fully considered.

8. With respect to the drawings objection, applicant's representative stated that the new replacement sheets are submitted, however, the electronic database does not show the replacement sheets. The drawings objection is maintained.
9. Arguments with respect to claims 2-11 are moot in view of indicating that they are allowable subject matter.

10. Applicant's arguments with respect to claim 1 overcome the 112 Second rejection. The 112 Second rejection of claim 1 has been withdrawn.
11. Applicant's arguments with respect to claim 1 under 103(a) Rejection has been fully considered, but they are not persuasive.

The applicant's argued features in the claim 1 (page 3, and 4), i. e. "With regard to the rejections of independent" claim "1" "as indicated above, it is clear that the Examiner has misinterpreted the" claim "1", "more specifically, the term "retransmission frequency" and has therefor misapplied the cited art. That is, it is respectfully submitted that none of the references cited by the Examiner, either alone or in combination, teach receiving data blocks retransmitted by the transmitter as many times as "the retransmission frequency". Therefore, it is respectfully submitted that the Examiner is incorrect in rejecting Claims independent" Claim "1". The Examiner respectfully disagrees. As discussed in the rejected above, Khan discloses a method for retransmitting data in a mobile communication system (see for example, Figure 3B, paragraph [0001], lines 1-5, [0003], lines 1-4, [0030], lines 1-15, data transmission in a mobile communication system), comprising the steps of: determining whether an initial data block received from a transmitter has an error (see for example, paragraph [0014], lines 1-18, [0037], lines 1-25, determining the error of the initial data block received); estimating a current channel state and determining a retransmission

frequency according to the estimated current channel state upon detecting an error in the initial data block (see for example, paragraph [0014], lines 1-18, [0037], lines 1-25, detecting error in data block and estimating a channel state and determining retransmission frequency); transmitting a retransmission request message of the initial data block together with the determined retransmission frequency to the transmitter (see for example, paragraph [0014], lines 1-18, [0016], lines 1-19, [0036], lines 1-8, [0037], lines 1-25, transmission of retransmit message and determining retransmission frequency); receiving data blocks retransmitted by the transmitter [as many times as the retransmission frequency] in response to the retransmission request message (see for example, paragraph [0015], lines 1-7, [0016], lines 1-19, [0037], lines 14-25, [0039], lines 1-12, the transmitter retransmits the received data block in response to retransmission request message); determining whether the retransmitted data blocks have errors (see for example, paragraphs [0014], lines 1-18, [0015], lines 1-7, [0016], lines 1-19, and [0037], lines 1-25, determining the retransmitted data block errors); and providing the received data blocks to an upper layer upon failure to detect errors from the received data blocks (see for example, paragraph [0006], lines 1-18, [0037], lines 1-25, and [0045], lines 1-18, received data blocks and error detect). However, Khan does not specifically teach retransmitting as many times as the retransmission frequency request message. In a related art dealing with retransmitting data in mobile communication system (see for example, column 1, lines 6-8, lines 40-48, and column 6, lines 35-46), Dorenbosch

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discloses retransmitting as many times as the retransmission frequency request message (see for example, column 5, lines 52 – 67, column 4, lines 50 –62).


Khan and Dorenbosch are both analogous to the applicants teaching, that's why they do obviate.

Therefor, Examiner believes the claim is broad enough to include Dorenbosch's retransmitting based on the retransmission frequency into Khan's measurement based automatic retransmission request system.

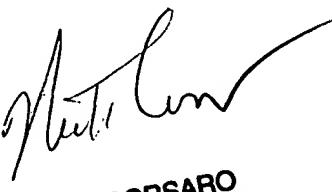
The rejection is maintained.

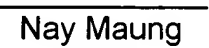
Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shaima Q. Aminzay whose telephone number is 571-272-7874. The examiner can normally be reached on 7:00 AM -5:00 PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nay Maung can be reached on 571-272-7882, the primary examiner, Nick Corsaro can be reached on 571-272-7876. The fax number for the organization where this application or proceeding is assigned is 703-872-9306. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Shaima Q. Aminzay
(Examiner)

May 31, 2005


NICK CORSARO
PRIMARY EXAMINER


Nay Maung
(SPE)
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